



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011442
Applicant Name: Michael Cox
Address of Proposal: 7141 California AVE SW (Westside Unitarian
Universalist)

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the change of use of a portion of the first floor of an existing church to childcare center (729 sq. ft.)

The following approval is required:

Administrative Conditional Use Permit - to allow a childcare center in an existing institution, nonconforming to development standards, in a Lowrise zone (Section 23.45.570 Seattle Municipal Code (SMC)).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The project site is located on the west side of California Ave. SW, north of SW Othello St. The site is zoned Lowrise, Duplex, Triplex (LDT). Property to the north and east of California Ave. SE is zoned Lowrise and LDT. Property located west, across the adjoining alley, and south of SW Othello St. is zoned Single Family 5000. The existing church structure is located in the

southern portion of the site. There are five parking stalls located in the southwest corner of the site and are accessed from the adjacent alley. A parking lot containing 23 stalls is located on the northern portion of the site with access provided from one curbcut located on California Ave. SW. The parking lot is located approximately 10 feet above the alley grade and is screened by a four foot high wood fence. Existing vegetation also provides screening between the parking lot and the west property line, adjacent to the alley and single family properties to the west.

Proposal Description

The applicant proposes to use two existing classrooms within the church for a childcare center during the weekday. The classroom space totals approximately 729 square feet of area and will accommodate up to 32 students and four teachers. Hours of operation will be from 9:00AM to 1:00PM, Monday through Friday. Teachers will share the existing parking lot with the church and one parking stall has been signed for parent drop-off and pick-up as required per the Land Use Code. Furthermore, the church has provided written documentation that the entire parking lot will be available for drop off and pick up during the morning and afternoon hours. The church will continue to operate with services scheduled for Sundays.

Public Comment

The comment period for this proposal ended on September 1, 2010. During the public comment period DPD received one written comment. The comment expressed support for the child care center so long as the height of the existing church structure not increase. The letter also states that a school was located at the church in the past. Note that past permitting records include uses for school and daycare. The current proposal does not include any exterior changes to the building.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (SMC 23.45.570)

SMC 23.45.504 identifies institutions, such as a church and daycare center, as a permitted use in all Lowrise zones. However, SMC 23.45.570 requires an Administrative Conditional Use for expanding institutions nonconforming to development standards.

This proposal is subject to the requirements in SMC 23.45.506 and is discussed as follows:

- A. *Uses permitted as administrative conditional uses in Table A for 23.45.504, may be permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506 are met.*

The proposed child care center is a permitted use. However, the existing church structure does not meet development standards therefore an Administrative Conditional Use is required to establish the new daycare use.

- B. *Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the development standards for uses permitted outright.*

Intuitonal use must meet the development standards in SMC 23.45.570. A zoning analysis prepared for this permit identifies nonconformities for structure width, side setback and

landscaping requirements. The existing proposal will not expand any existing nonconformities or create new nonconformities.

C. *Institutions other than public schools not meeting the development standards of 23.45.570, Institutions, and Major Institution uses as provided in Chapter 23.69, may be permitted subject to the following:*

1. *Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modification, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.*

The proposed child care is to be located in an existing institution and no expansion of the structure is proposed. Although the structure is nonconforming with regard to structure width, side setbacks and landscaping requirements, the Land Use Code allows nonconforming structures to exist if changes to the structure do not increase the nonconformity (SMC 23.42.112).

2. *Dispersion Criteria. An institution that does not meet the dispersion criteria of Section 23.45.570 may be permitted by the Director upon determining that it would not substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding residential area.*

The child care center will be located in an existing institutional structure. The proposal does not constitute an expansion since the existing structure and property lines will not be expanded.

3. *Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures the Director may require for this purpose include, but are not limited to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the location of refuse storage areas, location of parking areas and access, structural design modifications and regulating hours of use.*

Activities on the site will increase with the introduction of the daycare facility during weekdays. Increased use of the parking lot during the morning hours, before 9:00 AM and after 1:00 PM when parents are dropping off and picking up the students will generate noise. The existing parking lot is screened with a four foot fence along the west and north sides, adjacent to residential uses. The access drive is located along California Ave. SW and no access will occur from the adjacent alley. Classroom space is located along the west façade, which is adjacent to the west property line. Existing windows open along this façade; however an existing 16 foot wide alley separates the church site from the rear yards of the single family residences fronting on 44th Ave. SW. No further mitigation is required.

4. *Transportation Plan. A transportation plan is required for proposed new institutions and for those institutions proposing to expand larger than 4,000 square feet of floor area and/or required to provide 20 or more new parking spaces.*

This provision is not applicable.

Administrative Conditional Use General Provisions (SMC 23.42.042)

B. In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zones or vicinity.

No adverse impacts on the public interest and other properties in the zone or vicinity have been identified. Noise from increased activity on site will be mitigated by existing fencing and setbacks from residential uses. All parking, and drop-off and pick-up will occur on site and not be located in the public right of way. The church has provided a written letter documenting that the daycare center has use of the entire parking lot during drop off and pick up. This letter will be part of the project file and will be incorporated into the plan set.

C. The Director may deny or recommend denial of a condition use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

Identified impacts are mitigated and the proposed use is not materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

Conclusion

Based on the above analysis, it is the Director's determination that the proposal will not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the child care center will be located, and should be granted.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **GRANTED**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

None required.

Signature: _____ (signature on file) Date: October 25, 2010
Stephanie Haines, Senior Land Use Planner
Department of Planning and Development

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